

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
W/S Old Philadelphia Road, 70 ft. \*  
S of c/l Holter Road \* ZONING COMMISSIONER  
11340 Old Philadelphia Road \*  
11th Election District \* OF BALTIMORE COUNTY  
5<sup>th</sup> Councilmanic District \*  
Joe Holter, et ux \* CASE NO. 99-293-A  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Joe Holter and Beverleigh Holter, his wife, property owners, for that property known as 11340 Old Philadelphia Road in the White March section of Baltimore County. The Petitioners seek a variance from Sections 101 & 400.3 of the Baltimore County Zoning Regulations (BCZR), to allow an existing accessory structure (barn) to have a height of 16.5 ft., in lieu of the maximum permitted 15 ft., and a footprint (area) larger than that of the principle structure (dwelling) in a D.R.5.5 zone. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

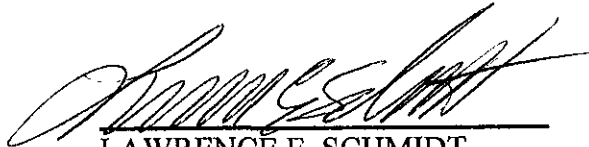
The Petitioners have filed the supporting affidavits required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR, and for the reasons given above, the requested variance should be granted.

3/5/99  
M. J. Clark

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 5<sup>th</sup> day of March 1999, that the Petition for an Administrative Variance from Sections 101 & 400.3 of the Baltimore County Zoning Regulations (BCZR), to allow an existing accessory structure (barn) to have a height of 16.5 ft., in lieu of the maximum permitted 15 ft., and a footprint (area) larger than that of the principle structure (dwelling) in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.



LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR  
BALTIMORE COUNTY

LES:mmn

ORDER RECEIVED FOR FILING  
Date 3/5/99  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

March 4, 1999

Mr. and Mrs. Joe Holter  
11340 Old Philadelphia Road  
White Marsh, Maryland 21162

RE: Petition for an Administrative Variance  
Case No. 99-293-A  
Location: 11340 Old Philadelphia Road

Dear Mr. and Mrs. Holter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
Encl.





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 11340 Philadelphia Rd  
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 101 & 400.3; BCZR to permit an existing accessory structure (Barn) to have a height of 16.5' in lieu of the permitted 15 ft. & a footprint (Area) larger than that of the principle structure (Dwelling).

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Legal Owner(s):

Joe Holter  
Name - Type or Print \_\_\_\_\_  
Joe Holter  
Signature \_\_\_\_\_  
Beverly Holter  
Name - Type or Print \_\_\_\_\_  
Beverly Holter  
Signature \_\_\_\_\_  
11340 Philadelphia Rd 410-  
Address \_\_\_\_\_ 256-5883  
Balt. Md 21162  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

### Representative to be Contacted:

Same  
Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-293A

REV 9/15/98

Reviewed By JUM

Date 2-3-99

Estimated Posting Date 2-14-99

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

11340 Philadelphia Rd  
Address  
Balt. Md 21162  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

EXISTING SHED IS 16.5 FT. IN height. It has been in existence as a barn/shed for over 60 years. We do not want to tear it down.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Joseph Holter  
Signature  
Joseph Holter  
Name - Type or Print

Beverleigh Holter  
Signature  
Beverleigh Holter  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of January, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph G. Holter, Beverleigh A. Holter  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

1-25-99  
Date

Maunta Jones  
Notary Public  
My Commission Expires 6-26-02

# Affidavit in Support of Administrative Variance

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Address  
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City State Zip Code

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Joseph Holter  
Signature  
Joseph Holter  
Name - Type or Print

Beverleigh Holter  
Signature  
Beverleigh Holter  
Name - Type or Print

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Joseph G. Holter, Beverleigh A. Holter  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

1-25-99  
Date

Anaunta Jones  
Notary Public

My Commission Expires 6-26-02



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 11340 Philadelphia Rd  
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 101 & 400.3; BC 22, TO PERMIT <sup>EXISTING</sup> AN ACCESSORY STRUCTURE (BARN) TO ~~BE~~ HAVE A HEIGHT OF 16.5 ft. IN LIEU OF THE ~~PERMITTED~~ PERMITTED 15 ft. AND A FOOTPRINT (AREA) LARGER THAN THAT OF THE PRINCIPLE STRUCTURE (DWELLING)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

### Contract Purchaser/Lessee:

### Legal Owner(s):

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name - Type or Print Joe Holter  
Signature Joe Holter  
Name - Type or Print Beverly Holter  
Signature Beverly Holter  
Address 11340 Philadelphia Rd 410-  
Telephone No. 256-5883  
City Balt. State Md Zip Code 21162

### Attorney For Petitioner:

### Representative to be Contacted:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name Sane  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-293A

Reviewed By JCM Date 2-3-99

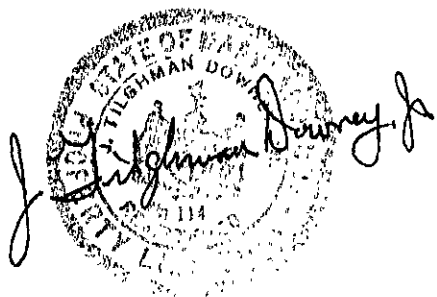
Estimated Posting Date 2-14-99

**M. & H. DEVELOPMENT ENGINEERS, INC.**

200 EAST JOPPA ROAD  
ROOM 101, SHELL BUILDING  
TOWSON, MARYLAND 21286

**ZONING DESCRIPTION FOR #11340 OLD PHILADELPHIA ROAD**

Beginning at a point on the west side of Old Philadelphia Road which is 66' right of way at the distance of 70' south of the centerline of Holter Road which is 50' wide. Being a part of recorded Deed Liber 12230, folio 476 and running thence N 62° 17' 38" W, 40.29 feet; thence S 34° 34' 44" W, 45.03 feet; thence N 66° 05' 49" W, 337.32 feet; thence S 34° 34' 44" W, 119.44 feet; thence S 62° 03' 35" E, 128.63 feet; thence N 31° 57' 44" E, 11.95 feet; thence S 62° 01' 50" E, 246.09 feet; thence N 34° 34' 44" E, 175.00 feet to the place of beginning. Containing 1.257 acres of land, more or less. Also known as #11340 Old Philadelphia Road and located in the 11th. Election District, 5th. Councilmanic District.



J. Tilghman Downey, Jr.

293

99-293-A



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

293

No. 063094

DATE 2-3-99 ACCOUNT Pool-6150

AMOUNT \$ 50.00

RECEIVED  
FROM:

J. H. LTER 11340 Philadelphia

FOR:

Ad Van. (c/o)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Sum

PAID RECEIPT

PROCESS ACTUAL TIME  
2/03/1999 2/03/1999 09:27:51

5 MISOS CASHIER LGMT LXS DROPPED  
5 MISCELLANEOUS CASH RECEIPT

Receipt # 094200  
CF NO. 063094

06/18

50.00 CHECK

Baltimore County, Maryland

99.293-A

CASHIER'S VALIDATION

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 293

Petitioner: ~~Winsome Homes, Inc.~~ John Clark Joe Holter

Address or Location: #11340 Old Philadelphia Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Winsome Homes, Inc.

Address: 2820 Reckord Road

Fallston, MD 21047

Telephone Number: (410) 893-9936

Revised 2/20/98 - SCJ

**99.293-A**

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 99- 293 -A Address #11340 Old Philadelphia RoadContact Person: J. Murphy Phone Number: 410-887-3391  
Planner, Please Print Your NameFiling Date: 2.3.99 Posting Date: 2.14.99 Closing Date: 3.1.99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only****USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 99- 293 -A Address #11340 Old Philadelphia Road  
Petitioner's Name JOE HOLTER Telephone 410-256-5883  
Posting Date: 2.14.99 Closing Date: 3.1.99  
Wording for Sign: A VARIANCE To Permit AN ACCESSORY STRUCTURE (BARN)  
TO HAVE A HEIGHT OF 16.5 FT. IN LIEU OF THE PERMITTED 15 FT.  
AND A FOOTPRINT (AREA) LARGER THAN THAT OF THE PRINCIPLE  
STRUCTURE (Dwelling).



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

March 1, 1999

Mr. & Mrs. Joe Holter  
11340 Philadelphia Road  
Baltimore, MD 21162

RE: Case No.: 99-293-A  
Petitioner: Joe Holter, et ux  
Location: 11340 Philadelphia Road

Dear Mr. & Mrs. Holter:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 3, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development Management

DATE: 2/25/99

FROM: R. Bruce Seeley, Project Manager RBS/JP  
Development Coordination  
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 2/15/99

The Department of Environmental Protection and Resource Management has  
no comments for the following Zoning Advisory Committee Items:

Item #'s:	290	300
	291	301
	292	302
	293	303
	294	
	295	
	296	



**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

Arnold Jablon, Director  
Training Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1101

RE: Property Wall: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 15, 1999

Item No.: SEE BELOW Training Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plan for the property.

2. The Fire Marshal's Office has no comments at this time in reference to the following item numbers:

291, 292, 293, 294, 295, 296, 297, 299, 300, AND 303

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:            Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   February 23, 1999

FROM: *RWB* Robert W. Bowling, Supervisor  
              Bureau of Developer's Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
              for February 22, 1999  
              Items Nos. 291, 292, 293, 294, 295, 296,  
                                 300, 301, 303 and Case No. 99-280-X

              The Bureau of Developer's Plans Review has reviewed the subject  
zoning items, and we have no comment.

RWB:HJO:cab

cc:   File

ZONE0222.NOC

A.V.  
3/1

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** March 1, 1999

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 11340 Philadelphia Road

### INFORMATION:

**Item Number:** 293

**Petitioner:** Holter Property

**Zoning:** DR 5.5

**Requested Action:** Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's request to permit an existing barn with a height of 16.5 feet in lieu of the permitted 15 feet, and a footprint larger than that of the principle structure because it appears that the barn is used for agricultural purposes.

**Section Chief:**



AFK/JL:





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 2.16.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 293

JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

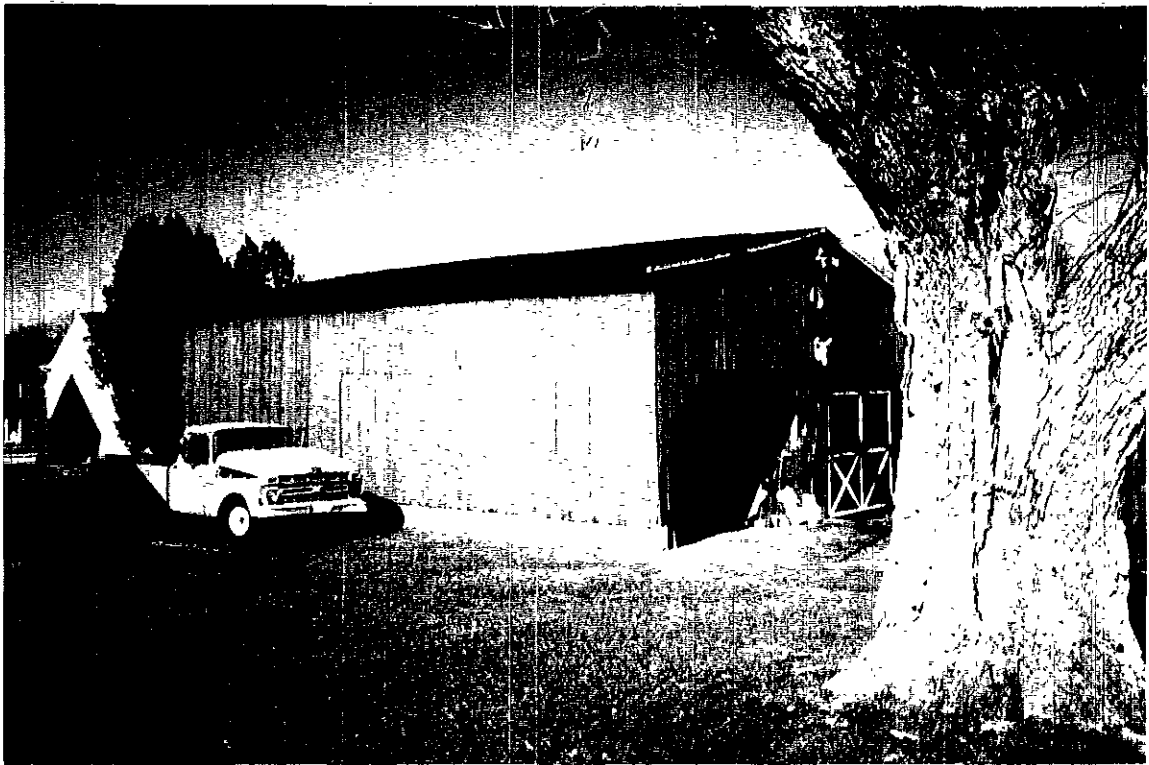
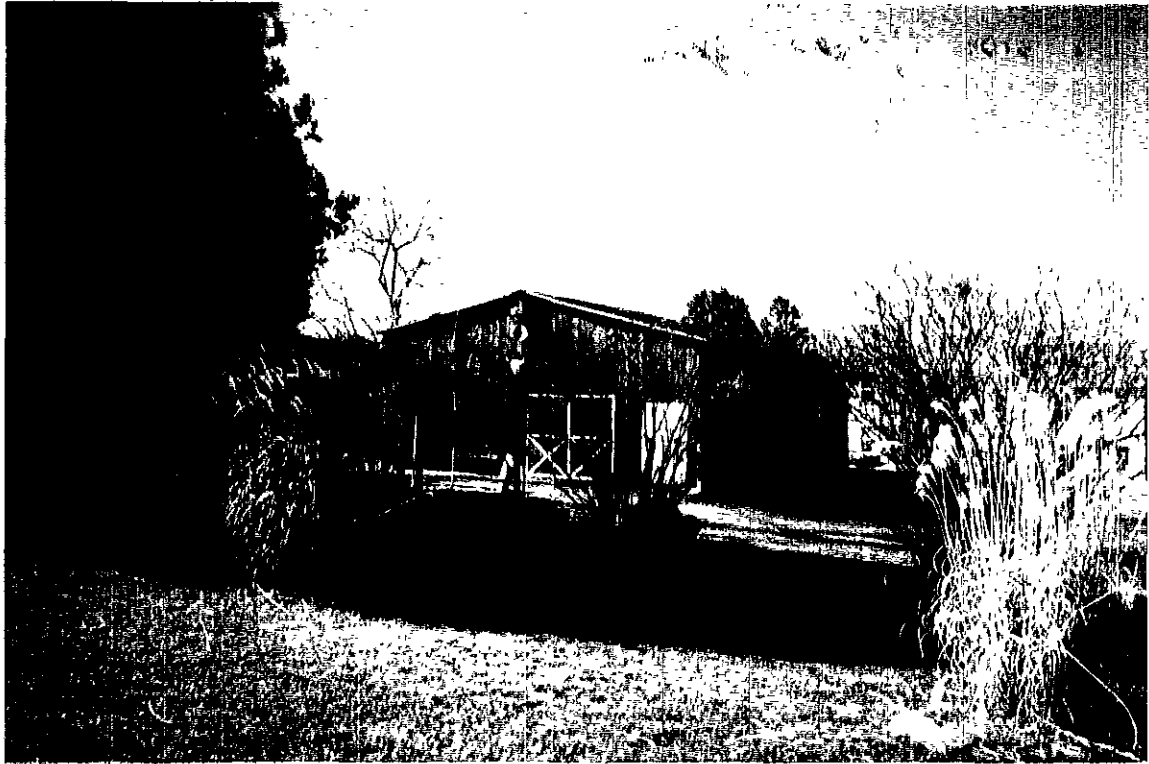
*Michael M. Lenhart*

Michael M. Lenhart, Acting Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

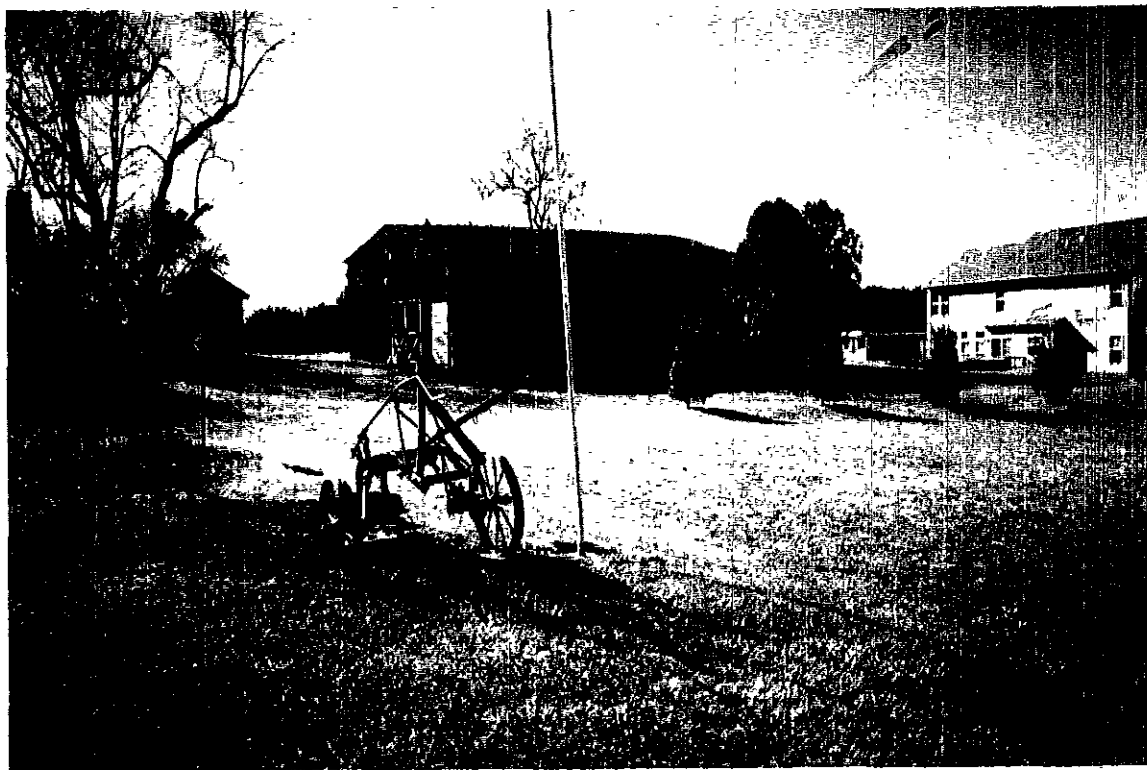
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



99-293-A

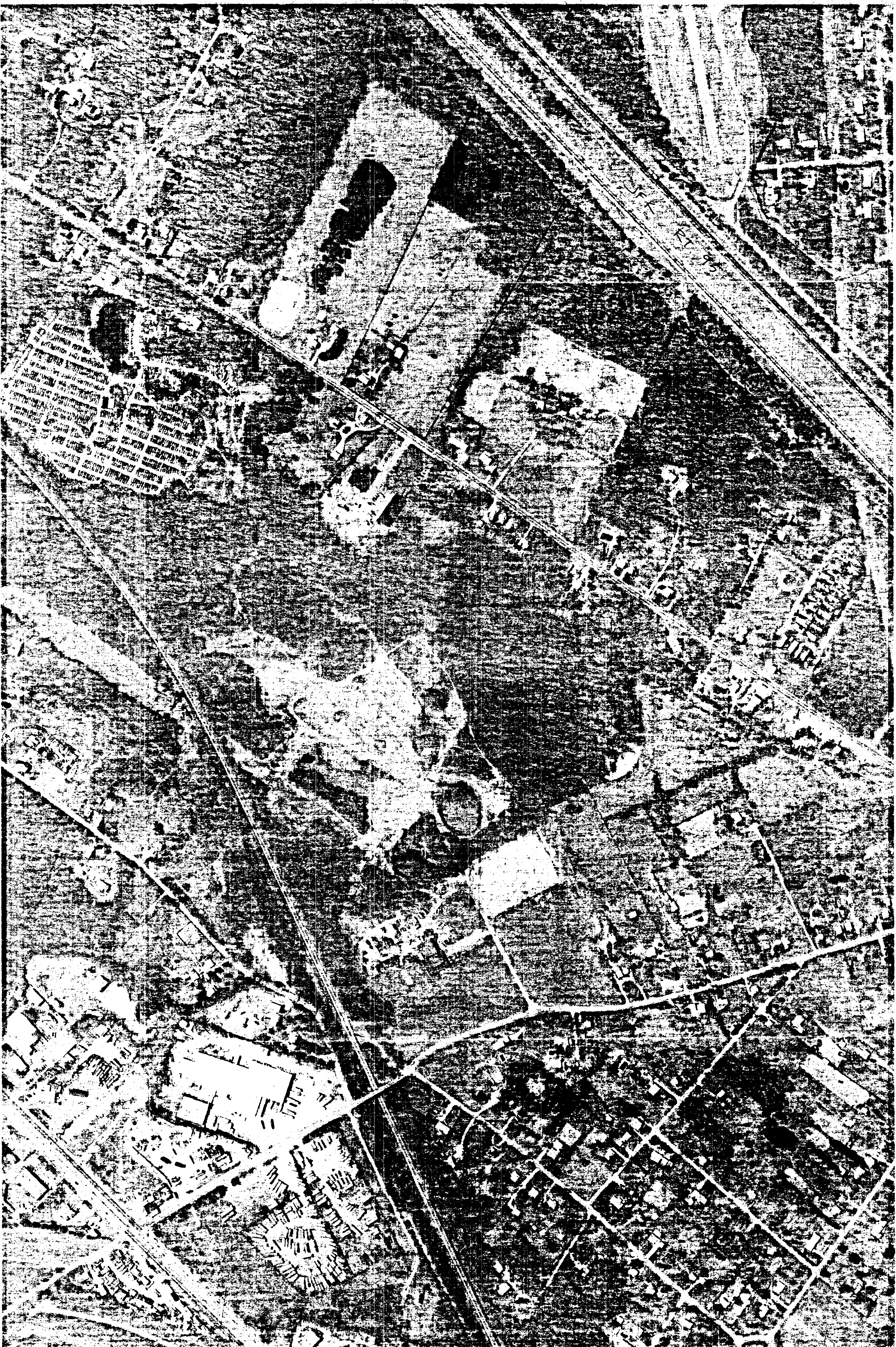


99-293-A



99-293-A





PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	Hotels, Resorts, etc.	
DATE OF PHOTOGRAPHY JANUARY 1986	LORELEY	N.E. 10-J
	99-293 A	

293



